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MEMORANDUM

TO: Amy Cameron, Consultant

FROM: Dale Mentink, Senior Attorney

RE: Alternative to CAHSEE

DATE: December 13, 2005

Protection & Advocacy, Inc. is a private, nonprofit advocacy organization representing, among others, individuals with exceptional needs (special education pupils and other students with disabilities) throughout California. Please consider the following comments in response to the Department's November 30, 2005, letter requesting comments on alternatives to the CAHSEE for students who cannot pass the exam.

Statutory Background.

California law authorizes the State Board of Education and Superintendent of Public Instruction to study the appropriateness of criteria other than the CAHSEE by which pupils may demonstrate their proficiency and receive high school diplomas. The alternative criteria must include an exemplary academic record and alternative tests. Cal. Educ. Code Sec. 60856. "Tests" are defined as "any device used to measure the knowledge or achievement of students." Cal. Educ. Code Sec. 60010(n).

The award of a diploma is contingent on meeting standards of proficiency in basic skills, and those standards are prescribed by the governing boards of high school districts. Cal. Educ. Code Sec. 51412. Currently, California requires that students complete three course in English language arts (ELA) and two courses in

mathematics, one of which must be Algebra I, in order to be eligible for a standard diploma. Cal. Educ. Code Sections 51225.3 and 5122.4.5.

Recommended Alternative Criteria to the CAHSEE.

California law continues to entrust to high school districts the authority to determine the standards of proficiency which pupils must demonstrate in order to receive diplomas. Cal. Educ. Code Sec. 51412. California law further authorizes the development of alternative criteria by which pupils may demonstrate their proficiency. Cal. Educ. Code Sec. 60856. There is, therefore, ample authority for an alternative to the CAHSEE which is developed by local high school districts for students who cannot pass the CAHSEE, but who are otherwise highly proficient in basic math and ELA skills.

PAI proposes that local high school and unified school districts, after a thorough review of the content and proficiencies tested by the CAHSEE in ELA and math, be required to identify four courses in ELA and three courses in math, one of which must be Algebra I, which, collectively, cover, at a minimum, all content and academic skills, with equal or greater rigor, as are tested by the CAHSEE. Each district shall require each student, who cannot pass the CAHSEE, to satisfactorily pass all seven courses as a means of demonstrating his/her proficiency in these skills consistent with the content of the CAHSEE. Passage of these selected courses will act as the device for measuring knowledge or achievement of these students pursuant to the statutory definition of "test" as set forth above, and is consistent with the requirement that exit exam alternative criteria include an exemplary academic record.

PAI recommends four courses in ELA and three courses in math (including Algebra I) so that students are required to exceed the minimum state standards for the prescribed course of study, and so that local school districts can assure, through these extra course requirements, that pupils are exposed to and master all ELA and math skills tested by the CAHSEE during their high school careers. Given that students must only achieve a 55% for passage of the math and a 60% for passage of the ELA portions of the CAHSEE, passage of these seven courses will more than ensure that students demonstrate the content knowledge and skills required for passing the CAHSEE.

Thank you for your consideration of our comments. Please contact this office if you have any further questions regarding these recommended alternative criteria to the CAHSEE.